

Affidavit to AccompanyCase 1:03-cr-10362-WGY Document 235-2 Filed 10/10/2005 Page 1 of 6
Motion for Leave to Appeal in Forma PauperisDistrict Court No. 10362Appeal No. 05-2233United States
Appelleev.
Fabian Ruiz
Defendant - Appellant**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: **Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 9-15-05

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total Monthly income:	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
Have Been	Tailed as	of 10-24-2003	

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>Wells Fargo</u>	<u>checking</u>	\$ <u>15.07</u>	\$ <u>N/A</u>
		\$ <u></u>	\$ <u>N/A</u>
		\$ <u></u>	\$ <u>N/A</u>

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If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
		<u>NONE</u>		Make & year: <u>NONE</u>	
				Model: <u></u>	
				Registration#: <u></u>	
Motor Vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: <u>NONE</u>		<u>NONE</u>		<u>NONE</u>	
Model: <u></u>					
Registration#: <u></u>					

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>NONE</u>	<u>NONE</u>	<u>NONE</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>Eddie Fernandez</u>	<u>Step Son</u>	<u>11</u>
<u>Danny Fernandez</u>	<u>Step Son</u>	<u>10</u>
<u>Fabian S. Ruiz</u>	<u>Son</u>	<u>6</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>1000⁰⁰</u>	\$ <u>N/A</u>

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Are any real estate taxes included? ☒ Yes ☐ No
Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ <u>0</u>	\$ <u>N/A</u>
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Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
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Food	\$ <u>0</u>	\$ <u>N/A</u>
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Clothing	\$ <u>0</u>	\$ <u>N/A</u>
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Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
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Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>
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Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
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Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
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Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>0</u>	\$ <u>N/A</u>
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Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
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Life	\$ <u>0</u>	\$ <u>N/A</u>
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Health	\$ <u>0</u>	\$ <u>N/A</u>
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Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
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Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
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Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
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Installment payments	\$ <u>0</u>	\$ <u>N/A</u>
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Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
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Credit card (name): _____	\$ <u>0</u>	\$ <u>N/A</u>
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Department store (name): _____	\$ <u>0</u>	\$ <u>N/A</u>
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Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
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Alimony, maintenance, and support paid to others \$ 0 \$ N/A

Regular expenses for operations of business, profession,
or farm (attach detailed statement) \$ 0 \$ N/A

Other (specify): Case 1:03-cr-10362-WGY Document 235-2 Filed 10/10/2005 Page 5 c \$ N/A

Total monthly expenses: \$ 1000⁰⁰ \$ N/A

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ 20,000

If yes, state the attorney's name, address, and telephone number:

VALENE S. CARTER, Esquire
Carter + Doyle, LLP
530 ATLANTIC Ave., 3rd Fl.
Boston MA 02210

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

13. State the address of your legal residence.

1101 W. EBNER Place
Tucson Arizona 85714

Your daytime phone number: () NONE

Your age: 26 Your years of schooling: 14

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No.: 03-CR-10362-PBS
)	
FABIAN RUIZ,)	
Defendant)	
_____)	

CERTIFICATE OF COMPLIANCE

I, Valerie S. Carter, Esquire, counsel to Fabian Ruiz, certify the following in
accordance with Fed. R. App. P. 24:

- A. On behalf of Fabian Ruiz, I have filed a completed Motion for Leave to Appeal in
Forma Pauperis executed by Mr. Ruiz. I also filed a Motion to Withdraw my
appearance.
- B. Mr. Ruiz claims entitlement to redress from the jury verdict against him and this
Court's denial of his Motion to Suppress.
- C. The issues that Mr. Ruiz intends to present on appeal are whether there were
sufficient facts supporting the jury's verdict, whether the district court erred in
certain jury instructions relating to drug weight, whether the district court erred in
denying his Motion to Suppress Evidence of drugs found in a motor home not in
Mr. Ruiz's possession.

Sworn to this 10th day of October 2005.

/s/ Valerie S. Carter
Valerie S. Carter, Esquire